IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 529 OF 2005

Ram Sevak Sankatha Singh .. Petitioner

V/s

State of Maharashtra & ors. .. Respondents

Mr.S.G. Surana i/b Mr.Umashankar Upadhyay for the Petitioner.

Mr.Pradeep Jadhav, A.G.P. for Respondents Nos.1 and 2.

Mr.Shashipal Shankar for Respondent No.4.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 4TH APRIL 2005

P.C. :

1. Heard the learned counsel for the parties.

2. Respondent No.4 Society has been permitted to develop the property bearing CTS Nos.88, 89 and 90 situated at Vakola Bridge, Santacruz (East), Mumbai on the basis that they represent more than 70% of the occupants in that slum. The Petitioner claims to be a Chief Promoter of another such society in this very property. The law requires that all such slum dwellers, who are prior to 1995, to be accommodated. There is no other right beyond that. The persons, who are sought to be represented by the Petitioner, are the same who are

covered in the society, of which Respondent No.4 is the Chief Promoter. Such kind of a dispute between different promoters backed by different builders do not impress us any longer.

3. Mr.Surana for the Petitioner submits that some 20 persons, who were in fact members of an adjoining society known as "Shiv Krupa Housing Society" had been given membership in the present proposed society also. He draws our attention to clause 3 of the letter dated 24th March 2004 from the advocates of the Petitioner. Copy of this letter is forwarded to the Additional Collector (Encroachment). He will look into the grievance with respect to these 20 persons. It will be open to these 20 persons either to join Respondent No.4 Society or Shiv Krupa Housing Society. They cannot be in both the societies. The Collector (Encroachment) will look into it and take necessary decision within 8 weeks.

4. Petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)